

Amendment No. 4 to Bill 1401

Proposed by: Ms. Price
Introduced by: Mr. Bartlett, Ms. Price
Date: August 14, 2018

A BILL TO REPEAL AND REPLACE TALBOT COUNTY CODE CHAPTER 190, ENTITLED “ZONING, SUBDIVISION, AND LAND USE DEVELOPMENT”, IN ITS ENTIRETY, AND TO ENACT AN ENTIRE NEW CHAPTER 190 OF THE TALBOT COUNTY CODE TO IMPLEMENT ZONING CONTROLS AND REGULATIONS CONSISTENT WITH AND PURSUANT TO THE 2016 TALBOT COUNTY COMPREHENSIVE PLAN

KEY

Boldface.....Heading or defined term
Underlining.....Added by amendment
~~Strikethrough~~.....Deleted by amendment
* * * Existing Bill unaffected

Proposed Amendments: The amendments proposed to the text of Exhibit “A” to the Bill are as follows:

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55.2. AMENDMENTS TO OFFICIAL ZONING MAPS

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C. STANDARDS FOR DECISION

1. After a review of the applicable findings, the Council may grant a Zoning Map amendment based upon one of the following findings:

- a. That there was a substantial change in the character of the neighborhood or community where the property is located since the last comprehensive or sectional Zoning Map Amendment, such that the zoning district applied through the comprehensive or sectional amendment is no longer appropriate to the setting and context of the property; or,
 - b. That there was a mistake in the existing zoning classification.
2. The findings given in Subsection C.1 above shall not be required to establish a floating or overlay district or to approve a comprehensive or sectional Zoning Map amendment.
3. Entitlement to connect to public sewer shall not alone be sufficient to support a finding of substantial change in the character of the neighborhood or community where the property is located as set forth in Subsection C. 1. a. above.
4. The fact that an application for a Zoning Map amendment complies with all the specific requirements and purposes set forth in this chapter shall not be deemed to create a presumption that the proposed amendment would be compatible with surrounding land uses and is not, in itself, sufficient to require approval.

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Purpose: This new language is intended to clarify that sewer extensions are intended to provide a environmental health related service, not to function as a justification for zoning changes in and of themselves.

Amendment not substantive: An amended ordinance cannot be deemed to be a new or different one unless it enlarges or narrows the scope of the original ordinance to such an extent that the ordinance as enacted can be said to be misleading in a substantial manner in its final form. Amendments that do not defeat the original purpose of the ordinance are not so substantial as to become a new ordinance. *Ajamian v. Montgomery County*, 99 Md. App. 665, 684-685 (1994). This amendment does not meet the test and therefore is non-substantive.